IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1612 OF 2004
IN
SUIT NO.3513 OF 1988

Naseem Jahangir Dhunjibhoy ....Plaintiff

V/s.

Dinshaw Mistry & Ors. ....Defendants

And

The Court Receiver,
High Court, Bombay ....Respondent

Mr.S.M. Sakhardande i/b Anil Rao for the Plaintiff in support.

Mr.Jayesh Vyas i/b Bilawala & Co. for the Defendants.

Mr.M.H.A. Patel, Section Officer from Court Receiver's office present.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH OCTOBER, 2004.

P.C. :

1. By consent the Chamber Summons is made returnable forthwith and taken up for hearing.

2. There are arrears of royalty of about Rs.3.00 lacs.

3. Mr.Sakhardande, the learned counsel appearing on behalf of the Plaintiff on taking instructions from the Plaintiff who is present in Court prays for six months time to pay the arrears. He states that the entire liabilities of the Bank have already been satisfied. However, the fact remains that the Plaintiffs are liable under the earlier orders passed by this Court to continue to pay the royalty.

4. In the circumstances, the following order is passed :-

i). The Plaintiff shall pay the arrears of royalty in instalments of Rs.50,000/- each month commencing from 3rd January, 2005 and thereafter on or before 3rd day of each month, till the arrears of entire amount of royalty are paid.

ii). The royalty falling due henceforth shall be paid on time.

iii). In the event of there being any default in payment of the arrears as aforesaid or further royalty, the Court Receiver shall

take forcible possession of the premises, without further orders of this Court.

5. The Chamber Summons is accordingly disposed of.

. All the concerned parties including the Court Receiver to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer of this Court.